

ARTICLE 6**CONSTRUCTION PERMITS, ZONING APPROVALS
AND CERTIFICATES OF OCCUPANCY****§ 6.01 CONSTRUCTION PERMITS.**

The following provisions shall apply to the issuance of construction permits:

- A. **When required.** No activity subject to the New Jersey State Uniform Construction Code Act shall commence until a construction permit has been granted by the Town of Westfield Construction Official. Activity subject to said Act includes the construction, alteration, renovation, rehabilitation, maintenance, occupancy and use of buildings and structures; and approval of pre-manufactured systems; all as defined in said Act.
- B. **Application procedure.** Separate construction permit applications for each building or structure shall be completed and submitted to the office of the Construction Official. A fee as set forth in the Town Code for any construction permit shall be paid to the Town of Westfield prior to the issuance thereof. Applications shall be made in accordance with the requirements as set forth in N.J.A.C. 5:23 et seq., and shall include properly filled out copies of the following, which shall be signed by the owner or signed and sealed by an appropriate licensed professional or tradesman as required by the New Jersey State Uniform Construction Code Act:
1. the permit application folder and construction permit application form;
 2. the appropriate Sub-Code form(s);
 3. three (3) copies of all construction drawings, sketches, plumbing riser diagrams, soils reports, specifications, and supporting calculations and studies;
 4. the estimated construction cost form for all building additions and building alterations;
 5. where Land Use Ordinance review is necessary, three (3) copies of a location survey which accurately shows all structures, lot lines, easements, etc. of said property, marked up to show any proposed new construction;
 6. vendor information about equipment and appliances, their maximum utility consumption, rates, connection sizes, etc.; and

7. such other special information as the enforcing agency shall require.

C. **Review procedure.**

1. Mandatory prior approvals. No construction permit shall be issued unless and until the plans and intended uses therefor have been reviewed and proof has been received in writing for all mandatory prior approvals required by the New Jersey State Uniform Construction Code, specifically including, but not necessarily limited to, the Zoning Officer of the Town of Westfield, and for all other applicable ordinances of the Town of Westfield.
2. Permits involving site work. No construction permit which involves site work ancillary to the permit activity shall be issued unless and until the grading, storm water drainage, etc. on the site has been reviewed and approved by the Town Engineer or by the Planning Board or Board of Adjustment, as applicable, and all conditions precedent to such approval have been complied with.
3. Modification of utilization. Whenever there is a proposed modification of utilization of land, buildings or structures as defined in Article 2 of this ordinance, even though permitted in the zone district, zoning approval shall not be issued until there has been review and approval of a site plan by the Planning Board or the Board of Adjustment, as applicable, and all conditions precedent to such approval have been complied with, unless such review is waived by the Zoning Officer pursuant to § 8.01A.3 of this ordinance.
4. Change of use. Whenever there is a proposed use of land or buildings or structures which is not permitted by this ordinance, no zoning approval shall be granted, nor shall any construction permit be issued until such use has been approved by the Board of Adjustment pursuant to § 7.01D of this ordinance, and all conditions precedent to such approval have been complied with.
5. Completion of required improvements prior to issuance of permits. In the event subdivision, site plan and/or variance approval is required, no construction permit shall be issued prior to final approval. Furthermore, the Board may require, as a condition of any such approval, the withholding of construction permits pending the satisfactory completion of the required improvements set forth in § 8.18C and D.

- D. **Time period for issuance of permit.** Construction permits shall be reviewed within twenty (20) business days of the filing of a complete application. If the Construction Official fails to complete a review of the permit application and to notify the applicant of the approval or denial, as applicable, of the permit within said time period, the applicant may appeal to the Construction Board of Appeals for a determination regarding the application. The Construction Board of Appeals shall approve or deny the permit application within ten (10) business days of the submission of a complete application.

§ 6.02. ZONING APPROVALS.

The Town of Westfield does not issue any "zoning permits" per se. Zoning review and approval for all work subject to a construction permit is documented by a "Zoning Review and Decision Record" form which is signed by the Zoning Officer and included in the construction permit application jacket. The occasional activity that may not be subject to a construction permit or site plan approval, such as but not limited to parking lots and driveways for single family detached or two family dwellings, antennae, fences, retaining walls, freestanding walls, patios, other accessory structures not requiring a construction permit, etc., shall be communicated to the Zoning Officer before the work is started, and zoning approval will be documented by a letter signed by the Zoning Officer. The above shall not be construed to exempt all of the above activities from the requirement to obtain a construction permit and/or site plan approval in all cases; the provisions of the New Jersey Uniform Construction Code and this ordinance shall control in this regard.

§ 6.03. IMPROVEMENTS EXEMPT FROM REQUIREMENT TO OBTAIN PERMIT OR APPROVAL.

The following improvements shall be exempt from the requirement to obtain a construction permit or zoning approval, unless otherwise required by the Uniform Construction Code and provided that such improvements conform with all applicable standards in this ordinance:

- A. fences and freestanding walls conforming with the height limits for same as set forth in Article 12;
- B. exempt antennas as defined in Article 2; and,
- C. driveways accessory to detached single family residences, two-family dwellings and duplexes in the zone districts where such uses and structures are permitted by this ordinance.

§ 6.04. CERTIFICATES OF OCCUPANCY.

- A. **When required.** Certificates of occupancy, or other forms thereof (e.g., certificates of continued occupancy, certificates of approval, certificates of compliance, etc.) shall be applied for and granted by the Construction Official before any structure or other work, which is within the scope of the construction permit, is occupied or used, as required by the New Jersey Uniform Construction Code, Section 5:23-2.23. Any change in use or modification of utilization shall require a new certificate of occupancy. Before any certificate of occupancy shall be issued for any such change in use or modification of utilization, all applicable provisions of this ordinance shall be complied with.
- B. **Review procedure.** A fee as set forth in the Town Code for any certificate of occupancy shall be paid to the Town of Westfield prior to the issuance thereof. No certificate of occupancy shall be issued by the Construction Official until the agency has received prior approvals in writing from the Zoning Officer, Town Engineer, Soil Conservation District, where applicable, and such other jurisdictions as may occasionally be required, as determined by the enforcing agency. Each of the above officials shall review the application for compliance with any regulations, conditions of Board resolutions, etc., which are within their respective areas of responsibility.
- C. **Completion of required improvements prior to issuance of certificates of occupancy.** In the event subdivision, site plan and/or variance approval is required, no certificate of occupancy shall be issued prior to final approval, nor prior to satisfactory completion of the required improvements set forth in § 8.18C and D, except as may be provided otherwise by § 8.18B.

§ 6.05 RECORDS OF CONSTRUCTION PERMITS, ZONING APPROVALS AND CERTIFICATES OF OCCUPANCY.

It shall be the duty of the Construction Official and Zoning Officer to keep records of all applications for construction permits, zoning approvals and certificates of occupancy, and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. They shall be responsible for the filing and safekeeping of all plans and specifications submitted to them with any application and the same shall form a part of the records of their offices and shall be available to all officials of the Town of Westfield. Duplicate copies of any permits or certificates shall be furnished upon request to any persons who shall have a right thereto by law upon payment of a fee as set forth in Article 5 of this ordinance.

§ 6.06. VIOLATION OF REQUIREMENT OF CONSTRUCTION PERMITS, ZONING APPROVALS OR CERTIFICATES OF OCCUPANCY.

The erection or alteration of any building or structure prior to obtaining a construction permit, the installation of any improvement of land prior to obtaining a zoning approval, the use or occupancy in whole or in part of any building or structure in which the nature of the use shall have been changed or wherein there has been a modification of utilization or upon which an improvement has been made, shall be a violation of this ordinance, and shall subject the violator(s) to the penalties herein prescribed.